

<b>Serial Number</b>  <b>*10685133*</b>	<b>Application No.</b> 10/685,133	<b>Applicant(s)</b> NAGAHARA	

<b>TERMINAL DISCLAIMER</b>		<input checked="" type="checkbox"/> <b>APPROVED</b>		<input type="checkbox"/> <b>DISAPPROVED</b>
The term of this patent shall not extend beyond the expiration date of U.S. Patent No:	6,653,539			
The term of this patent subsequent to the adjacent date has been disclaimed.				
<b>INTERNAL DOCUMENT – DO NOT MAIL</b>			<b>Document Code - DISQ</b>	

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Docket No. 006340/00006

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Nagahara

EXAMINER: Hsieh

SERIAL NO.: 10/685,133

ART UNIT: 2837

FILED: October 14, 2003

CONF. NO.: 4486

TERMINAL DISCLAIMER  
APPROVED

FOR: Wear Protection for Musical Wind Instruments

JUL 07 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450TECHNOLOGY CENTER 2800  
SPECIAL PROGRAM CENTER

Sir:

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE  
PATENTING REJECTION OVER A PRIOR PATENT**

Your Petitioner, Kanichi Nagahara hereby certifies that pursuant to his review of the pertinent evidentiary documents involved herein, and to the best of the Petitioner's knowledge and belief, the entire right, title and interest in the above-identified application, as well as all patents referred to herein, is in the Petitioner seeking to take the present action. Neither this application, nor the parent patent, has been assigned. Petitioner is thus the sole owner of the above-identified patent application.

Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§154 to 156 and 173, as presently shortened by any terminal disclaimer filed prior to the grant of U.S. Patent No. 6,653,539, of which Petitioner is also the sole owner.

Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and U.S. Patent No. 6,653,539 are commonly owned. This agreement runs with any

Terminal Disclaimer  
U.S.S.N. 10/685,133  
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patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term as defined in 35 U.S.C. §§154 to 156 and 173 of U.S. Patent No. 6,653,539 as shortened by any terminal disclaimer filed prior to the patent grant, in the event that U.S. Patent No. 6,653,539 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, or terminally disclaimed under 37 C.F.R. §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

#### DECLARATION

The undersigned hereby declares that all statements made herein of his or her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statement and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

RENEE PRESTON   
PARALEGAL SPECIALIST  
TECHNOLOGY CENTER 2800

  
Kanichi Nagahara

May 17, 2004  
Date

Document No. 99649